IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 11850 of 2007(I)

PETITIONER:

K.M.SHEMI, PROPRIETRIX,
D/O.MUHAMMED RAWTHER, AGED 30 YEARS,
K.K.BHARAT GAS AGENCIES, BHARAT GAS DISTRIBUTOR,
P.O.PAZHUVIL, PALLINADA, TRICHUR-680 564,
RESIDING AT KUZHIKANDATHIL HOUSE, KONOTHUKUNNU PO,
IRINJALAKUDA, TRICHUR DISTRICT.

BY ADV. SRI.K.JAJU BABU

RESPONDENTS:

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1. BHARAT PETROLEUM CORPORATION LTD.,
REPRESENTED BY REGIONAL LPG MANAGER (DGM),
NO.1 RANGANATHAN GARDEN, IITH MAIN ROAD,
ANNA NAGAR (WEST), PIN-600 040, CHENNAI.

2. THE TERRITORY MANAGER (LPG),
BHARAT PETROLEUM CORPORATION LTD.,
KOCHI TERRITORY OFFICE, KRL LPG PLANT,
AMBALAMUGHAL-682 302, ERNAKULAM DISTRICT.

BY ADV. SRI.N.N.SUGUNAPALAN
SRI. S. SAJIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.11850 OF 2007

APPENDIX

EXT.P1: TRUE COPY OF LETTER OF INTENT DATED 11.1.2002 VIDE NO.CBE:LPG:CHAZOOR ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF ORDER NO.KOCHI:LPG:KKBHARATGAS DTD 16.12.2006 ISSUED BY R2 TO THE PETITIONER.

EXT.P3: TRUE COPY OF APPEAL SUBMITTED BY THE PETITINER BEFORE THE REGIONAL MANAGER OF THE 1ST RESPONDENT DATED 27.12.2006.

EXT.P4: TRUE COPY OF ORDER NO.SR.LPG:KK BHARAT GAS DATED 30.1.2007 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P5: TRUE COPY OF REQUEST SUBMITTED BY THE PETITIONER BEFORE THE REGIONAL MANGER OF THE 1ST RESPONDENT ON 17.2.07

RESPOONDENT'S EXHIBITS

EXT.R2(A): TRUE COPY OF THE AGREEMENT EXECUTED BETWEEN THE PETITIONER AND THE RESPONDENT ON 27.5.2002.

EXT.R2(B): TRUE COPY OF LETTER DATED 23.3.2006 SENT BY THE PETITIONER TO THE RESPONDENT CORPORATION.

EXT.R2(C): TRUE COPY OF THE JUDGMENT DATED 5.12.2006 IN W.P.(C)NO.17197/2006.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No. 11850 OF 2007

Dated this the 30th day of October, 2007

JUDGMENT

The petitioner challenges Exts.P2 and P4 orders inter alia on the ground that she has not been heard before passing those orders. The averment that the petitioner has not been heard before passing those orders is not disputed by the respondents.

2. In the above circumstances, Exts.P2 and P4 orders are quashed and the respondents are directed to pass fresh orders after affording an opportunity of being heard to the petitioner.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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